

**THE SUPPORTING STATEMENT-0970-0153**  
**Notice of Lien**

**A. JUSTIFICATION**

**1. Circumstances Making the Collection of Information Necessary**

P. L. 104-193, the Personal Responsibility and Work Opportunity Act of 1996 amended section 652(a) of the Social Security Act (the Act) to require the Federal Office of Child Support Enforcement (OCSE) to promulgate an administrative lien to be used by the State Child Support Enforcement (CSE) programs in interstate cases.

**2. Purpose and Use of the Information Collection**

The administrative lien is used by State CSE programs to encumber property located in other States by filing the Lien directly in the other State. The requirement that the State CSE program secure child support debts by filing liens is a long-standing requirement of the CSE program. Traditionally, in an interstate case, State CSE programs would have to contact the State CSE program in the State where the property was located and ask the second program to file a local lien. PRWORA authorized the use of the administrative lien where the CSE program can send the lien directly across State lines. This method is far more effective and efficient.

**3. Use of Improved Information Technology and Burden Reduction**

The procedures for filing liens are governed by State law. Due to this fact, OCSE is not able to influence the format of the transfer of information. This format is determined by State law and the failure to follow the prescribed format would nullify the effectiveness of the lien.

**4. Efforts to Identify Duplication and Use of Similar Information**

In the original development of the administrative lien, considerable attention was focused on preventing duplication. At this time, we are not making any changes to the form that will affect the effort that was previously made to avoid duplication.

**5. Impact on Small Businesses or Other Small Entities**

This collection of information will have no additional impact upon small businesses or other small entities because they are already in a position to have to respond to request for liens issued by their States. The difference is that the Act, in 1996, authorized a State CSE program to use this form to impose liens in interstate cases.

**6. Consequences of Collecting the Information Less Frequently**

If OCSE fails to win re-authorization of this information collection, it will be failing to comply with the requirements of the Act and States will not be able to use the form to try to collect debts owed to children living in States other than the State where the noncustodial parent lives.

**7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5**

There are no special circumstances associated with collection of this information.

**8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency**

The information collection notice was published for comment in the Federal Register on April 8, 2010 (75 FR 17926 - 17927). OCSE received comments from California, Michigan, North Dakota and Texas. Based on the comments, we have made several revisions to the form for clarity. The changes are not significant and largely serve to make the instructions clearer and the form easier to understand and use.

**9. Explanation of Any Payment or Gift to Respondents**

Not Applicable.

**10. Assurances of Confidentiality Provided to Respondents**

The State and local Child Support Enforcement agencies will follow their State legislation that requires assurances of confidentiality.

**11. Justification for Sensitive Questions**

This information collection does not involve any questions of a sensitive nature.

**12. Estimates of Annualized Burden Hours and Costs**

**ANNUAL BURDEN ESTIMATES**

INSTRUMENT	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES PER RESPONDENT	AVERAGE BURDEN HOURS PER RESPONSE	TOTAL BURDEN HOURS
Notice of Lien	109,668	1	.25	27,417

Estimated Total Annual Burden Hours: 27,417

In Fiscal Year 2009, the most recent year for which we have final data, there were a total of 1,044,451 cases sent to another state for interstate services that remained open at the end of the Fiscal Year (data item 1a on the OCSE-157 Annual Data Report form). We estimate that 70 percent of these cases had orders established (731,116), and that there was noncompliance in 60 percent of these orders (438,670). Finally, we estimate that in 25 percent of these non-complying cases, obligors owned property against which a lien could be served (109,668).

Since OCSE estimates it take 15 minutes to record a lien using the interstate lien form, the burden hour estimate for the form is calculated as follows: 109,668 x .25 = 27,417 hours.

**13. Estimate of Other Total Annual cost Burden to Respondents and Record Keepers**

There is no new annual cost burden to respondents resulting from this collection of information. Respondents already have staff and resources in place to respond to this information collection.

**14. Annualized Cost to the Federal Government**

Upon reauthorization of the Notice of Lien, OCSE will post the new version the internet website for States to download. There are no costs to the Federal Government.

**15. Explanation of Program Changes or Adjustments**

Because the number of new interstate cases for each fiscal year has remained relatively constant over time, there has been little change in estimated burden for the use of this form. In fact, there is a slight reduction in burden for this renewal process compared to the estimate in the last renewal process.

The burden has declined this year because the number of new interstate cases for the year (FY 2009 data year) is slightly lower than the number of new interstate cases the last time this burden was calculated.

This change is due to an adjustment in the child support case load rather than due to a change in the information collection itself.

During the renewal process we made clarifying edits to the form and form instructions in response to comments. These minor changes do not impact the estimated burden calculation. There is no change in the time required to fill out one form, which remains 15 minutes.

We made the following clarifying edits to the form in response to comments from the public. First, on page one of the form, for clarity, we inserted in parentheses beneath “IV-D Case #” the phrase “or non-IV-D docket number,” and added a sentence at the end of the instructions for field 5. The new sentence reads: “For non-IV-D cases, enter the docket number in this field.”

Second, also on page one of the form, we revised the first sentence after the IV-D Case number field to clarify that the lien arises by operation of law. The sentence now reads, "This lien results, by operation of law, from a child support order, entered on...." This change will make the form more effective.

Third, on page two, we revised the last sentence in the first paragraph to clarify all the entities that may release or withdraw the lien. The sentence now reads, "This lien remains in effect until released or withdrawn by the issuing agency, the obligee, the entity acting on behalf of the obligee, or in accordance with the laws of the State where the property is located."

Fourth, at the very end of the form in the footer on OMB information, we added a parenthetical note to clarify that the OMB expiration date is not related to the lien itself. The new note reads, "(Please note, this expiration date is for the OMB form and not the lien itself.)"

Fifth, while the form indicates that the amount of judgment for unpaid support may include interest, the instructions regarding interest are confusing. Therefore, in the instructions for field #11, we have edited the second sentence to say simply, “Interest may be included in the lien amount.”

Finally, several commenters requested instructions for using the form in cases involving the same obligor but multiple obligees. In response, we have added a sentence to the instructions of the form, after the instructions for field 11. The new instruction reads, "NOTE: If a notice of lien for one obligor is being submitted on behalf of multiple obligees, repeat the information in fields 6-11 as needed and also include the cumulative arrears for all cases."

**16. Plans for Tabulation and Publication and Project Time Schedule**

There are no plans to publish results of this information in the immediate future.

**17. Reason(s) Display of OMB Expiration Date is Inappropriate**

Not applicable.

**18. Exception to Certification for Paperwork Reduction Act Submission**

There are no exceptions to the certification statement.

**B. Collection of Information Employing Statistical Methods**

The information collection requirements outlined in this report do not employ the use of statistical methods.